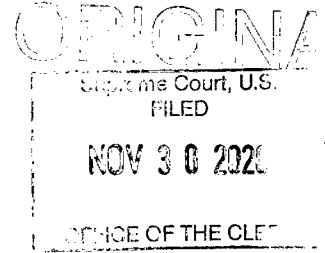


20-6578

No. \_\_\_\_\_



IN THE

SUPREME COURT OF THE UNITED STATES

Rickey White  
(Your Name)

PETITIONER

HUGO CHOCTAW COUNTY OFFICIALS  
— RESPONDENT(S)

VS.

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. OKLAHOMA EASTERN DISTRICT COURT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Rickey White  
(Your Name)

OKLAHOMA STATE PENITENTIARY  
(Address)

P.O. BOX 97 MCADAMSTER OKLAHOMA  
(City, State, Zip Code) 74502

918-423-4700  
(Phone Number)

QUESTION(S) PRESENTED

- (1) INVALID SEARCH WARRANT
- (2) DEFECTIVE WARRANT ATTACHMENT
- (3) NO ARREST WARRANT FOR PROBABLE CAUSE.
- (4) THERE WAS NO SUPPORTING ATTACHMENT PRESENTED TO A JUDGE TO SHOW PROBABLE CAUSE IN THIS CASE.

(5) THE U.S. COURT OF APPEALS REFUSE TO ALLOW PETITIONER ORAL REQUEST TO SHOW PROBABLE CAUSE DID NOT EXISTED THE STATE COURT ALLOW A INVALID WARRANT TO BE ACCEPTED TO FOUND PETITIONER GUILTY ON HEARSAY INFORMATION WHEN THE DEFECTIVE WARRANT ATTACHED TO SHOW INSUFFICIENT INFORMATION SHOULD HAS BEEN SUPPRESS BY THE STATE COURTS. THE OFFER TAKING THE ATTACHMENT DID NOT SWEAR UNDER OATH BECAUSE THERE WAS NO OFFICER NAME TO FILE JURAT AND ATTACHED TO A ATTACHMENT TO SHOW HE SWEAR UNDER OATH.

(6) THEREFORE, ALL DEFENDANT, ACTED WITH DELIBERATE INTENTION THIS MEAN THAT THEY KNEW THAT THE DEFECTIVE WARRANT ATTACHMENT IS INSUFFICIENT AND THE INFORMATION IN THE ATTACHMENT IS INSUFFICIENT CAN NOT BE USED AGAINST PETITIONER IN THIS MURDER CASE. OCT. 31-83 THE TRIAL COURT ERROR FOR NOT SUPPRESS THE EVIDENCE IN THE ATTACHMENT. THE PETITIONER WAS REQUESTED UPON INSUFFICIENT INFORMATION HEARSAY, NOT PROBABLE CAUSE. THERE IS NO ARREST WARRANT ATTACHMENT IN THIS CASE. OCT-1981-83. THERE IS NO PROBABLE CAUSE HEARING. THE COURT RELIED UPON A DEFECTIVE HANDWRITTEN ATTACHMENT TO FOUND PROBABLE CAUSE. THE WARRANT IS INVALID!

## LIST OF PARTIES

☐ All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- (1) - U.S. COURT OF APPEALS TENTH CIRCUIT
- (2) - OKLAHOMA EASTERN DISTRICT COURT
- (3) - HUGO CHOCTAW COUNTY OFFICIALS
- (4) - SOLICITOR GENERAL OF U.S.  
DEPARTMENT OF JUSTICE  
950 PENNSYLVANIA AVENUE N.W.  
WASHINGTON, DC 20530

## RELATED CASES

1. COUNTY OF RIVERSIDE V. MCLAUGHLIN 500 U.S. 44 (1991)
- (2) - GERSTEIN V. FUGLE 420 U.S. 103 (1975)
- (3) - MIRANDA V. ARIZONA, 384 U.S. 436 (1966)
4. BOUMEDIENE V. BUSH 553 U.S. 723, 779 (2008)
5. HILL V. U.S. 368 U.S. 424 428 (1962)
6. WONG SUN V. U.S. 371 U.S. 471 (1963)
7. WILSON V. SEITZ 501 U.S. 294 (1991) DELIBERATE
8. TYLER V. CAIN 533 U.S. 656, 664 (2001) INDIFFERENCE
- (9) -

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## TABLE OF AUTHORITIES CITED

CASES	COUNTY OF RIVERSIDE V. McLAUGHLIN 500	PAGE NUMBER
(2)	COUNTY OF RIVERSIDE V. McLAUGHLIN, 500 U.S. 444 (1991)	
(3)	GERSTEIN V. FUGLY 420 U.S. 103 (1975)	
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(9)	CAGE V. LOUISIANA 498 U.S. 39 (1990)	
(10)	TYLER V. CAIN 533 U.S. 656, 664 (2001)	
(11)	BIVENS V. SIX UNKNOWN NAMED AGENTS OF FED BUREAU OF NARCOTICS 403 U.S. 388, 396-97 (1971)	
(12)		

- STATUTES AND RULES RULE 3 AND 4 OF THE FEDERAL RULES OF
- (1) CRIMINAL PROCEDURE, ARREST WARRANT TO SHOW PROBABLE CAUSE,
  - (2) THE AFFIDAVIT FAILS TO SHOW PROVIDE THE NECESSARY DETAIL TO SUPPORT A FINDING OF PROBABLE CAUSE.
  - (3) TITLE 22 OKIA STATUTE 1981 § 1223-1223.1 - 1224.1 WAS NOT COMPLY WITH TO GET A WARRANT.  
TITLE 22 WAS VIOLATED.
  - (4)

OTHER

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at 30 F.3d 150; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was NOVEMBER 18, 2020

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was AUGUST.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

SEE CASE V. LOUISIANA 498 U.S. 39 (1990)

TEAGUE V. LAKE 489 U.S. 288 (1989)

TYLER V. CAIN 533 U.S. 656, 664 (2001)

THERE WAS NO PROBABLE CAUSE PROVE BY THE  
STATE COURTS THE PETITION FOURTH AND FOURTEENTH  
AMENDMENT WAS DEPRIVED OF HIS CONSTITUTIONAL

RIGHTS, THE STATE COURT VIOLATION U.S.C.A  
CONST. AMEND 4, CONST ART. 2 & 30 OF THE  
OKLAHOMA CONSTITUTION AND THE 4TH AMENDMENT OF  
THE UNITED STATES CONSTITUTION.

THE PETITIONER IS IN CUSTODY IN VIOLATION OF THE CONSTITUTION  
OR LAW OR TREATIES OF THE UNITED STATES.

→ SEE BOWMEYER V. RUSH, 553 U.S. 723, 779 (2008)

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## STATEMENT OF THE CASE

THE TRIAL COURT RELIED UPON A DEFECTIVE WARRANT AFFIDAVIT UPON HEARSAY INFORMATION TO FOUND PROBABLE CAUSE TO ARREST THE PETITIONER. THE DEFECTIVE WARRANT AFFIDAVIT MUST NOT STAND IN THIS COURT, BECAUSE THE OFFICER TAKING THE AFFIDAVIT HAS FAITH TO TAKE A ACTUAL ADMINISTERED FORMULA IS REQUIRED AS TO AN OFFICER TAKING AN OATH VERIFY A COMPLAINT FOR A SEARCH WARRANT TO SHOW PROBABLE CAUSE.

→ THERE WAS NO SUPPORTING AFFIDAVIT PRESENTED TO THE JUDGE TO FIND PROBABLE CAUSE IN THIS CASE.

ALSO THE OFFICER K.P. LARSH AND THE MAGISTRATE JUDGE BOTH OF THEM FAILED TO SIGNED THEIR NAMES TO THE JURAT AND ATTACHED IT TO THE AFFIDAVIT TO SHOW PROOF THAT OFFICER TOOK THE OATH AND SHOW PROBABLE CAUSE. THIS WAS NOT DONE THIS CASE, THERE IS A INVALID SEARCH WARRANT.

## REASONS FOR GRANTING THE PETITION

1. THE DISTRICT COURT REFUSE TO ACCEPTED THE FOURTH AMENDMENTS WHEN THERE WAS CONSTITUTIONAL VIOLATION TO SHOW WHEN THERE WAS NO PROBABLE CAUSE HEARING. THE CHOCMAW COUNTY HAS FAILED TO BRING THE PETITION BEFORE A NEUTRAL MAGISTRATE TO HOLD A PROBABLE HEARING THAT IS REQUIREMENT BY THE 4TH AMENDMENT. THE HANDWRITTEN AFFIDAVIT WAS DEFECTIVE AND DID NOT SHOW PROBABLE CAUSE AND THE WARRANT AFFIDAVIT HAS FAILED SHOW IMPORTANT NECESSARY DETAIL TO SUPPORT A FINDING OF PROBABLE CAUSE TO ARREST THE PETITIONER.

2. THEREFORE THE PETITIONER HE WAS VIOLATED BY THE U.S. COURT OF APPEALS PANEL FOR NOT ACCEPTING TO HEARING ON THE ORAL ARGUMENT TO DETERMINATION OF THE PROBABLE CAUSE DID NOT EXISTED. THIS WAS VERY IMPORTANT THAT THE U.S. COURT OF APPEALS TO VIEW OF THE MERITS AND LISTEN TO THE ORAL ARGUMENT OF THIS CASE TO SHOW THAT THE PETITIONAL 4TH AMENDMENT WAS VIOLATED WHEN THERE WAS NO PROBABLE CAUSE HEARING IN 48 HOURS. IT IS SET OUT IN *GRANSTEIN V. TUGH*, 420 U.S. 103 (1975). THE DISTRICT COURT HAS ERROR BY FAILING TO DETERMINE THE ~~FOURTH~~ FOURTH AMENDMENTS TO STATISTICAL AEDPA, AND TO ALLOWED ORAL ARGUMENT TO PROVE PROBABLE CAUSE DID NOT EXISTED IN THIS CASE. SEE FED. R. CRIM P. 4(A) SEE U.S. CONST AMEND. IV, SEE FED. R. CRIM P. 9(b)(2)

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

MR. Rickey White #127615

Date: NOVEMBER 30, 2020